

Court of Appeals, State of Michigan

ORDER

Coles Ventures LLC v Noel Yuhama

Docket No. 275375

LC No. 06-000394-CH

Brian K. Zahra
Presiding Judge

Janet T. Neff

Karen M. Fort Hood
Judges

The Court, acting under MCR 7.203(F)(2), orders that in lieu of granting the motion for reconsideration the claim of appeal is treated as an application for leave to appeal and it is GRANTED. The appellant shall PAY to the Clerk of the Court \$375.00, within 14 days of the Clerk's certification of this order. The appellant has failed to show that the trial court actually decided on or before December 11, 2006, that appellant was entitled to \$166.23, and that it was inadvertently left out of the December 11, 2006 order. Only in that situation could the order of December 11, 2006, be nunc pro tunc. However, the February 12, 2007 order is the final order and appellant timely demonstrated a desire to appeal that final order by filing this motion for reconsideration on February 16, 2007. At this point the only defect if appellant had correctly proceeded by filing a second claim of appeal is to pay the \$375.00, filing fee. Failure to pay the \$375.00, will result in the dismissal of this appeal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 11 2007
Date

Sandra Schultz Mengel
Chief Clerk